

Message Text

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ACTION ARA-10

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 5522

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

C O N F I D E N T I A L BRASILIA 4059

E.O. 11652: GDS

TAGS: PINT SHUM BR

SUBJECT: HUMAN RIGHTS: DEATH OF ZUZU ANGEL STIRS RUMORS; HERSZOG
FAMILY SUES GOVERNMENT; FIEL FILHO CASE SHELVED

REFS: (A) BRASILIA 2367 (B) RIO MEMCONS OF 4/26/76 AND 5/4/76

(C) 75 BRASILIA 10927 (D) 75 BRASILIA 9457 (E) BRASILIA 536

SUMMARY: DEATH OF MOTHER OF STUART ANGEL JONES, APPARENTLY BY
ACCIDENT WHILE DRIVING ALONE, HAS GIVEN RISE TO RUMORS OF
FOUL PLAY BY SECURITY FORCES. FAMILY OF VLADIMIR HERZOG
HAS SUED GOVERNMENT FOR DAMAGES BECAUSE OF HIS DEATH IN ARMY
CUSTODY IN SAO PAULO. MILITARY COURT HAS FOUND IN FAVOR
OF MILITARY PROSECUTOR'S OPINION THAT MANUEL FIEL FILHO,
SECOND POLITICAL PRISONER TO DIE IN ARMY CUSTODY IN SAO
PAULO, COMMITTED SUICIDE. END SUMMARY.

1. THE DEATH OF ZUZU ANGEL (MOTHER OF PRESUMED ATROCITY
VICTIM STUART ANGEL JONES) WHICH OCCURRED APRIL 14 WHEN THE
AUTOMOBILE SHE WAS DRIVING ALONE LEFT THE ROAD AFTER EMERGING
FROM A TUNNEL IN RIO, WAS AMPLY REPORTED IN THE PRESS;
ALL ACCOUNTS NOTED HER INTERNATIONAL REPUTATION AS A
DRESS DESIGNER, WHILE ONLY SOME REFERRED TO HER EFFORTS
REGARDING WHAT WAS VARIOUSLY CALLED THE DEATH OR DISAPPEARANCE
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OF HER SON. THE NEWSWEEKLY MAGAZINE VEJA'S ACCOUNT WAS

CENSORED COMPLETELY, WITH ONLY THE STORY'S TITLE LEFT IN TO INDICATE THE SUBJECT.

2. PRESS COVERAGE NOTED THAT THE SCENE OF THE INCIDENT SHOWED NO SKID-MARKS FROM BRAKING, AND QUOTED SEVERAL ASSOCIATES TO THE EFFECT THAT SHE HAD RECENTLY SHOWED SIGNS OF, OR EVEN SPOKEN OF, "ANGUISH" AND FATIGUE. SUBSEQUENTLY, HOWEVER, OTHERS ASSERTED SHE WAS CHEERFUL, ENERGETIC, AND INVOLVED. WHILE THE OFFICIAL REPORT ON THE INCIDENT WAS EXPECTED TO TAKE ABOUT A MONTH TO BE ISSUED (COPY FORWARDED WITH REF B TO ARA/BR), SOME NEWSPAPERS SURMISED THAT SHE MIGHT HAVE DOZED OFF, SWERVED TO AVOID A PEDESTRIAN, BEEN CUT OFF BY ANOTHER VEHICLE, OR OTHERWISE BEEN DISTRACTED UPON EMERGING FROM THE TUNNEL. LATER, ON THE OTHER HAND, ASSERTIONS BECAME COMMON TO THE EFFECT THAT SHE HAD IN FACT BEEN FORCED OFF THE ROAD BY AGENTS OF SECURITY FORCES FED UP WITH OR FEARFUL OF HER INCREASINGLY WELL-KNOWN EFFORTS TO HAVE HER SON'S SUSPECTED MURDERERS BROUGHT TO JUSTICE.

3. COMMENT: NO ONE, AT LEAST NO FOREIGNER, FAMILIAR WITH RIO'S TRAFFIC AND ESPECIALLY ITS TUNNELS WOULD REQUIRE ANY SINISTER EXPLANATION FOR HER DEATH. BY THE SAME TOKEN, THE ASSERTIONS OF FOUL PLAY WERE TO BE EXPECTED, AND HAVE NOT (TO OUR KNOWLEDGE) INCLUDED REFERENCE TO ANY EVIDENCE. IT IS NEVERTHELESS INTERESTING, AND NOT INSIGNIFICANT, BOTH THAT SUCH ASSERTIONS HAVE ARISEN, AND THAT WHILE THEY SEEM EXTREME, THEY CANNOT BE DISMISSED OUT OF HAND. END COMMENT.

4. IN AN ACTION WHICH RECEIVED CONSIDERABLE PRESS COVERAGE, THE FAMILY OF VLADIMIR HERZOG (THE TV JOURNALIST WHO DIED IN OCTOBER, 1975, WHILE IN THE CUSTODY OF II ARMY IN SAO PAULO) (REFS C AND D) BROUGHT SUIT AGAINST THE FEDERAL GOVERNMENT "FOR THE ARBITRARY ARREST OF THE JOURNALIST, FOR THE TORTURE TO WHICH HE WAS SUBMITTED, AND FOR HIS DEATH, AND THE CONSEQUENT OBLIGATION TO INDEMNIFY (THE FAMILY) FOR THE MORAL AND MATERIAL DAMAGES WHICH THOSE FACTS CAUSED (THE FAMILY)." THE SUIT, MADE PUBLIC BY THE SAO PAULO PROFESSIONAL JOURNALISTS' JUNION, BASED ITSELF ON VARIOUS LEGAL AND CONSTITUTIONAL PROVISIONS
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REGARDING GOVERNMENT RESPONSIBILITY FOR DAMAGES CAUSED BY ITS AGENTS AND RESTRICTIONS REGARDING ARRESTS. THE PETITION ALSO NOTES THAT HERZOG HAD DELIVERED HIMSELF INTO CUSTODY VOLUNTARILY, HAD RIPPED UP HIS CONFESSION (THUS REPUDIATING IT), AND HAD ALLEGEDLY HANGED HIMSELF WITH THE BELT OF A PRISON UNIFORM WHICH ACCORDING TO ANOTHER PRISONER'S TESTIMONY DID NOT HAVE A BELT.

5. COMMENT: THE MOTIVATION OF THE FAMILY, WHICH REPORTEDLY SEEKS NO MONETARY INDEMNIFICATION BUT MERELY A "DECLARATION OF RESPONSIBILITY," MAY INCLUDE THE HOPE OF ACHIEVING MORAL SATISFACTION BY BRINGING THE GOVERNMENT TO SUCH A DECLARATION, BUT ANY SUCH OUTCOME SEEMS LIKELY TO TAKE A LONG TIME IF IT IS TO COME AT ALL. ON THE OTHER HAND THE FAMILY MAY SHARE WHAT WE TAKE TO BE THE INTEREST REVEALED BY THE JOURNALISTS' UNION'S ACTION IN PUBLICIZING THE SUIT, AND BY THE FACT THAT THE LAWYERS HANDLING THE ACTION INCLUDE FIGURES PROMINENT IN POLITICAL-PRISONER/HUMAN-RIGHTS CASES, MOST NOTABLY HELENO FRAGOSO. THAT IS, AN EFFORT IS BEING MADE TO KEEP UP THE PRESSURE AFFORDED BY HERZOG'S DEATH, STILL ONE OF THE MOST EFFECTIVE FULCRUMS THE CAUSE OF HUMAN RIGHTS HAS HERE. END COMMENT.

6. A MILITARY COURT IN SAO PAULO HAS FOUND IN FAVOR OF THE OPINION SUBMITTED BY THE MILITARY PROSECUTOR THAT MANUEL FIEL FILHO, THE SECOND OF THE TWO POLITICAL PRISONERS TO DIE IN II ARMY CUSTODY (REF E), COMMITTED SUICIDE. THE OPINION, PORTIONS OF WHICH WERE CARRIED IN THE PRESS MAY 5, STRESSED THE DILIGENCE OF THE INVESTIGATION ASSERTED THE ABSENCE OF EVIDENCE POINTING TO ANY CONCLUSION EXCEPT SUICIDE, AND SPECIFIED THAT "PRUDENCE DEMANDS" THAT THINGS BE SEEN SIMPLY AS THEY ARE, "IN SUICIDE A SIMPLE SUICIDE..WITHOUT DOUBT, A LAMENTABLE FACT WHICH SHOCKS PUBLIC OPINION AND EVEN THE MOST INSENSITIVE SOULS."

COMMENT: THE COURT'S DECISION, A FOREGONE CONCLUSION, WILL OF COURSE CHANGE NO ONE'S MIND. END COMMENT.
JOHNSON

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